

BUILDING STANDARDS COMMISSION

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March 4, 2011

Henry Roe, Building Official
County of San Bernardino Government Center
Land Use Services Department, 1st Floor
385 N. Arrowhead Avenue
San Bernardino, CA 92415-0181

Dear Mr. Roe:

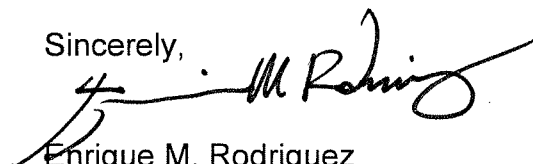
This letter is to acknowledge receipt on January 10, 2011 of the County of San Bernardino electronic submittal pertaining to Ordinance No. 4130 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

ORDINANCE NO. 4130

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA: REPEALING CHAPTERS 1, 2, 3, 4, AND 5 OF DIVISION 3 OF TITLE 6 OF THE SAN BERNARDINO COUNTY CODE; ADOPTING PORTIONS OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS CONTAINING THE 2010 EDITIONS OF THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA ENERGY CODE, THE CALIFORNIA HISTORICAL BUILDING CODE, THE CALIFORNIA EXISTING BUILDING CODE, AND THE CALIFORNIA GREEN BUILDING STANDARDS CODE, ALL AS AMENDED IN TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, AS CHAPTERS 1, 1.5, 2, 3, 4, 5, 13, 14, AND 15, RESPECTIVELY, OF DIVISION 3 OF TITLE 6 OF THE SAN BERNARDINO COUNTY CODE AND AMENDING SUCH ADOPTED CODES; AMENDING SECTION 63.0622 OF THE SAN BERNARDINO COUNTY CODE; AND ADDING SECTION 63.0223 TO CHAPTER 6 OF DIVISION 3 OF TITLE 6 OF THE SAN BERNARDINO COUNTY CODE, RELATING TO BUILDING STANDARDS AND ENFORCEMENT REMEDIES FOR VIOLATIONS OF SUBSTANDARD CONDITIONS AND SUBSTANDARD PROPERTY REGULATIONS.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Chapters 1 through 5 of Division 3 of Title 6 of the San Bernardino County Code are repealed in their entirety.

SECTION 2. The purpose of this Ordinance is to adopt by reference certain provisions of the 2010 edition of the California Building Standards Code, set forth in Parts 2, 2.5, 3, 4, 5, 6, 8, 10, and 11 of Title 24 of the California Code of Regulations, subject to the definitions, clarifications, and the amendments set forth in this Ordinance. The further purpose of this Ordinance is to provide minimum requirements and standards for the protection of the public safety, health, property, and welfare of the County of San Bernardino. This Ordinance is adopted under the

1 authority of Government Code section 50022.2 and Health and Safety Code section
2 18941.5. Only those appendices expressly adopted by reference are adopted by the
3 County pursuant to this Ordinance.

4
5 SECTION 3. Chapter 1 is added to Division 3 of Title 6 of the San
6 Bernardino County Code, to read:

7
8 **CHAPTER 1: CALIFORNIA BUILDING CODE**

9 **Sections:**

- 10 63.0101 Adoption of California Building Code.
11 63.0102 Express Findings.
12 63.0103 Changes in the Code.
13 63.0104 Adoption of Code Appendices.
14 63.0105 Changes in Code Appendices.
15 63.0106 Relocation Permits.

16
17 **63.0101. Adoption of California Building Code.**

18 A copy of the 2009 Edition of the International Building Code, volumes 1 and 2,
19 prepared and published by the International Code Council, with state amendments,
20 also known as the 2010 California Building Code, contained in Part 2 of Title 24 of the
21 California Code of Regulations, having been filed in the Office of the Clerk of the Board
22 of Supervisors of the County of San Bernardino, is hereby designated and adopted by
23 reference as the Building Code for the unincorporated area of the County of San
24 Bernardino, State of California, subject to those amendments and limitations adopted
25 by the County of San Bernardino set forth in Chapter 1.

26 **63.0102. Express Findings.**

27 The California Building Code has not been amended other than amendments to
28 its Administrative provisions and the addition of Appendix Chapter 33 "Excavation and

1 Grading” Volume 1 – 2001 California Building Code due to specific information not
2 contained in Appendix J “Excavation and Grading” of Volume 2 of the 2010 California
3 Building Code and as such do not require “Express Findings.”

4
5 **63.0103. Changes in the Code.**

6 The following changes are hereby made to the 2010 California Building Code
7 adopted herein.

8 (a) Chapter 1, Division II, Section 105.3.2 “Time limitation of Application,” is
9 amended in its entirety to read as follows:

10 Applications for which no permit is issued within 180 days following the date of
11 application shall expire by limitation and become invalid, and plans and other data
12 submitted for review may thereafter be returned to applicant or destroyed by the
13 building official. The building official may extend the time for action by the applicant for
14 a period not exceeding 180 days on written request by the applicant showing that
15 circumstances beyond the control of the applicant have prevented action from being
16 taken. An application shall not be extended more than once. An application shall not
17 be extended if this Code or other pertinent laws or ordinances have been amended
18 subsequent to the date of application. In order to renew action on an application after
19 expiration, the applicant shall resubmit plans and pay a new plan review fee.

20 (b) Chapter 1, Division II, section 105.5 “Expiration,” is amended in its
21 entirety to read as follows:

22 Every permit issued shall expire by limitation and become invalid unless the
23 work on the site authorized by such permit is commenced within 180 days after its
24 issuance, or if the work authorized on the site by such permit is suspended or
25 abandoned for a period of 180 days after the time the work is commenced. Upon
26 written request of the applicant showing that circumstances beyond the control of the
27 applicant have prevented action from being taken, the building official is authorized to
28 grant, in writing, one extension of time for an unexpired permit for a period of not more
than 180 days.

1 **63.0104. Adoption of Code Appendices.**

2 Appendices C "Agricultural Buildings" and I "Patio Covers" of the 2010 California
3 Building Code and Appendix Chapter 33 "Excavation and Grading" of the 2001
4 California Building Code are hereby adopted by reference.

5
6 **63.0105. Changes in Code Appendices.**

7 APPENDIX Chapter 33 of the 2001 California Building Code, as adopted herein,
8 is amended as follows:

- 9 (a) Section 3310 is amended in its entirety to read as follows:

10 **SECTION 3310—Grading Fees**

11 Fees for grading plan review and grading shall be assessed in accordance with
12 the fee schedule adopted by the Board as set forth in Division 6 of Title 1 of the San
13 Bernardino County, CA Code of Ordinances.

- 14 (b) Table A-33-A—Grading Plan Review Fees is hereby deleted.

- 15 (c) Table A-33-B—Grading Permit Fees is hereby deleted.

16
17 **63.0106. Relocation Permits.**

18 (a) Relocation Building Permit Required. A person shall not move onto any
19 premises, other than a commercial storage yard authorized for such use, any building
20 or structure, except a contractor's tool shed, storage building or similar structure which
21 is moved as construction requires, until he or she first secures a relocation building
22 permit as hereinafter provided.

23 (b) Application. Applicants for relocation permits shall submit photographs of
24 at least two (2) separate elevations, one of which shall be the front, and a certificate
25 from a pest control agency or operator licensed under the Structural Pest Control Act of
26 California, showing freedom from termite infestation, for each building or structure to be
27 moved, when application for a relocation permit is filed.

28 (c) Inspection Fee. The applicant shall pay an inspection fee upon
application for a permit to move a building or structure in accordance with Chapter 2 of

1 Division 6 of Title 1 of the San Bernardino County Code (Schedule of Fees). There
2 shall be no inspection or inspection fee on a building or structure to be moved out of
3 the County of San Bernardino.

4 (d) Building and Relocation Site Inspection Report. Upon receipt of
5 application for permit to relocate a building or structure and receipt of payment of the
6 prescribed inspection fee, the building official shall inspect the building or structure to
7 be moved and the proposed relocation site, and prepare a written report which shall be
8 forwarded to the applicant. This report shall contain the approval or disapproval of the
9 building official and, if approved for moving, shall contain the requirements necessary
10 to make the building or structure conform to the requirements of the San Bernardino
11 County Code for new buildings and any additional requirements necessary to assure
12 that such relocation shall not have detrimental effect by size, design, or age on the
13 living environment and property values in the area into which the building or structure is
14 to be moved.

15 (e) Report Validity. Additional corrections may be added to the report
16 whenever the structure has been vandalized, damaged during transportation, or altered
17 in any manner after the on-site inspection. Otherwise, the inspection report shall
18 remain valid for a period of one hundred eighty (180) days after the building or
19 structure has been inspected. At the end of such time, if the building or structure has
20 not been relocated, a new report and inspection fee will be required.

21 (f) Changes. The applicant shall make all required changes within one
22 hundred eighty (180) days and shall agree in writing to do so. This time limitation may
23 be extended by the building official upon receipt of evidence of just and proper cause;
24 provided, however, that no such extension shall be granted when, in his or her
25 judgment, such an extension would be detrimental to the public welfare for any cause
26 or reason.

27 (g) Declaration of Public Nuisance. When any relocated building or structure
28 or portion thereof remains unfinished or unfit for occupancy after expiration of the time
limit herein specified, any and all permits pertaining thereto shall expire by limitation

1 and such building or structure or portion thereof is hereby declared a public nuisance
2 and shall be abated as provided for abatement of public nuisances in Chapter 6 of
3 Division 3 of Title 6 of the San Bernardino County Code, beginning with § 63.0601.

4
5 SECTION 4. Chapter 1.5 is added to Division 3 of Title 6 of the San
6 Bernardino County Code, to read:

7
8 **CHAPTER 1.5: CALIFORNIA RESIDENTIAL CODE**

9 **Sections:**

- 10 63.0151 Adoption of California Residential Code.
11 63.0152 Changes in the Code.
12 63.0153 Adoption of Code Appendices.

13
14 **63.0151 Adoption of California Residential Code.**

15 A copy of the International Residential Code, 2009 Edition, prepared and
16 published by the International Code Council, with state amendments, also known as
17 the 2010 California Residential Code, contained in Part 2.5 of Title 24 of the California
18 Code of Regulations, having been filed in the Office of the Clerk of the Board of
19 Supervisors of San Bernardino County, is hereby designated and adopted by reference
20 as the Residential Building Code for the unincorporated areas of the County of San
21 Bernardino, State of California, subject to those amendments and limitations adopted
22 by the County of San Bernardino set forth in Chapter 1.5.

23
24 **63.0152. Changes in the Code.**

25 The 2010 California Residential Code, as adopted herein, is amended as
26 follows:

- 27 (a) Section R105.3.1.1 is amended in its entirety to read as follows:
28

1 **R105.3.1.1 Determination of substantially improved or substantially**
2 **damaged existing buildings in flood hazard areas.** For applications for
3 reconstruction, rehabilitation, addition or other improvement of existing buildings or
4 structures located in an area prone to flooding as established by Table R301.2(1), the
5 building official shall examine or cause to be examined the construction documents
6 and shall prepare a finding with regard to the value of the proposed work. For
7 buildings that have sustained damage of any origin, the value of the proposed work
8 shall include the cost to repair the building or structure to its predamaged condition. If
9 the building official finds that the value of proposed work equals or exceeds 50 percent
10 of the market value of the building or structure before the damage occurred or the
11 improvement is started, the building official shall make a determination of substantial
12 improvement or substantial damage. Applications determined by the building official
13 hereunder to constitute substantial improvement or substantial damage shall require all
14 existing portions of the entire building or structure to meet the requirements of Section
15 R322. Determinations of the building official pursuant to this section may be appealed
16 to the board of appeals.

17 (b) Section R105.3.2 is amended in its entirety to read as follows:

18 **R105.3.2 Time limitation of application.** Applications for which no permit is
19 issued within 180 days following the date of application shall expire by limitation and
20 become invalid, and plans and other data submitted for review may thereafter be
21 returned to applicant or destroyed by the building official. The building official may
22 extend the time for action by the applicant for a period not exceeding 180 days on
23 written request by the applicant showing that circumstances beyond the control of the
24 applicant have prevented action from being taken. An application shall not be
25 extended more than once. An application shall not be extended if this Code or other
26 pertinent laws or ordinances have been amended subsequent to the date of
27 application. In order to renew action on an application after expiration, the applicant
28 shall resubmit plans and pay a new plan review fee.

(c) Section R105.5 is amended in its entirety to read as follows:

1 **R105.5 Expiration.** Every permit issued shall expire by limitation and become
2 invalid unless the work on the site authorized by such permit is commenced within 180
3 days after its issuance, or if the work authorized on the site by such permit is
4 suspended or abandoned for a period of 180 days after the time the work is
5 commenced. Upon written request of the applicant showing that circumstances
6 beyond the control of the applicant have prevented action from being taken, the
7 building official is authorized to grant, in writing, one extension of time for an unexpired
8 permit for a period of not more than 180 days.

9
10 **63.0153. Adoption of Code Appendices.**

11 Appendix H "Patio Covers" of the 2010 California Residential Code is hereby
12 adopted by reference.

13
14 SECTION 5. Chapter 2 is added to Division 3 of Title 6 of the San
15 Bernardino County Code, to read:

16 **CHAPTER 2: CALIFORNIA ELECTRICAL CODE**

17 **Sections:**

18 63.0201 Adoption of California Electrical Code.

19
20 **63.0201 Adoption of California Electrical Code.**

21 A copy of the Uniform Electrical Code, 2010 Edition, prepared and published by
22 the National Fire Protection Association, with state amendments, also known as the
23 2010 California Electrical Code, contained in Part 3 of Title 24 of the California Code of
24 Regulations, having been filed in the Office of the Clerk of the Board of Supervisors of
25 San Bernardino County, is hereby designated and adopted by reference as the
26 Electrical Code for the unincorporated areas of the County of San Bernardino, State of
27 California, subject to those amendments and limitations adopted by the County of San
28 Bernardino set forth in Chapter 2.

SECTION 6. Chapter 3 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 3: CALIFORNIA PLUMBING CODE

Sections:

- 63.0301 Adoption of California Plumbing Code.
- 63.0302 Express Findings.
- 63.0303 Changes in the Code.
- 63.0304 Adoption of Code Appendices.
- 63.0305 Changes in Code Appendices.
- 63.0306 Appendix M – Swimming Pools Waste Water Discharge.

63.0301. Adoption of California Plumbing Code.

A copy of the Uniform Plumbing Code 2010 Edition, prepared and published by the International Association of Plumbing and Mechanical Officials, with state amendments, also known as the 2010 California Plumbing Code, contained in Part 5 of Title 24 of the California Code of Regulations, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, is hereby designated and adopted by reference as the Plumbing Code for the unincorporated area of the County of San Bernardino, State of California, subject to those amendments and limitations adopted by the County of San Bernardino set forth in Chapter 3.

63.0302. Express Findings.

It is expressly found and determined that the modification to the 2010 California Plumbing Code adopted in Section 63.0301 and its appendices adopted in Section 63.0304 are reasonably necessary because of local climatic, geological, and

1 topographical conditions existing in the County which are more specifically described
2 as follows:

3 (a) The buildup of nitrate in groundwater poses a threat to public health and
4 is one of the potentially significant long-term consequences of on-site sewage disposal
5 practices; and on-site private sewage disposal systems contribute to the discharge of
6 nitrates and other pollutants into the groundwater table within the planning areas for
7 the spheres of influence of the Cities of Chino and Montclair; and the failure of private
8 sewage disposal systems is a threat to the health of the public; and the orderly
9 development of these areas is promoted by requiring development to connect to public
10 sewers in order to obtain the maximum benefit from existing infrastructure.

11 (b) The mountain areas of the County are generally unsuitable for the
12 installation of private sewage disposal system seepage pits due to thin soils over
13 bedrock, steep slopes and/or locally high groundwater.

14 (c) Geologic conditions within the County make increasing the minimum
15 separation between a well and a septic tank from fifty (50) feet to one hundred (100)
16 feet reasonably necessary for the protection of water quality in water supply wells.
17 Soils are generally sufficiently porous so that should a septic tank have structural
18 failure due to corrosion, earthquake damage, or by other means, fifty (50) feet does not
19 provide sufficient separation to prevent contamination of nearby wells from the leaking
20 contents.

21 (d) Geologic conditions within the County make increasing the minimum
22 separation between a well and a soil absorption portion of a sewage disposal system
23 discharging five thousand (5,000) gallons per day or more from one hundred (100) feet
24 to two hundred (200) feet reasonably necessary for the protection of water quality in
25 water supply wells. Local soils are generally porous so that where large volumes of
26 sewage effluent are discharged closer than two hundred (200) feet, the cone of
27 depression created by pumping a well may intercept significant amounts of sewage
28 effluent, thereby contaminating the water produced by the well.

1 (e) Geologic conditions within the County in the vicinities of the Colorado and
2 Mojave Rivers make increasing the minimum separation from the soil absorption
3 portion of a sewage disposal system from one hundred (100) feet to two hundred (200)
4 feet reasonably necessary to protect the beneficial uses of these rivers as drinking
5 water supplies. Both rivers flow through highly porous material and both rivers either
6 directly or by nearby wells provide the primary sources of drinking water to residents
7 and communities along their courses.

8
9 **63.0303. Changes in the Code.**

10 The following changes are hereby made to the 2010 California Plumbing Code,
11 as adopted herein.

12 (a) Section 103.3.4 is amended in its entirety to read as follows:

13 **103.3.4 Expiration.** Every permit issued shall expire by limitation and become
14 invalid unless the work on the site authorized by such permit is commenced within 180
15 days after its issuance, or if the work authorized on the site by such permit is
16 suspended or abandoned for a period of 180 days after the time the work is
17 commenced. Upon written request of the applicant showing that circumstances
18 beyond the control of the applicant have prevented action from being taken, the
19 building official is authorized to grant, in writing, one extension of time for an unexpired
20 permit for a period of not more than 180 days.

21 (b) Section 103.4.3 is amended in its entirety to read as follows:

22 **103.4.3 Expiration of Plan Review.** Applications for which no permit is issued
23 within 180 days following the date of application shall expire by limitation and become
24 invalid, and plans and other data submitted for review may thereafter be returned to
25 applicant or destroyed by the building official. The building official may extend the time
26 for action by the applicant for a period not exceeding 180 days on written request by
27 the applicant showing that circumstances beyond the control of the applicant have
28 prevented action from being taken. An application shall not be extended more than
once. An application shall not be extended if this Code or other pertinent laws or

ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(c) Section 305.0 is amended in its entirety to read as follows:

305.0 Sewers Required.

305.1 Every building in which plumbing fixtures are installed shall have a connection to a public or private sewer except as provided in Sections 305.2 and 305.3.

305.2 When a public sewer is not available for use, drainage piping from buildings and premises shall be connected to an approved private sewage disposal system.

305.3 Notwithstanding Section 305.2, within the sphere of influence boundaries for the Cities of Chino and Montclair as adopted by the Local Agency Formation Commission for the County of San Bernardino, the installation of building sewers shall connect to a public sewer.

305.4 In cities and/or counties where the installation of building sewers is under the jurisdiction of a department other than the Authority Having Jurisdiction, the provisions of this code relating to building sewers need not apply.

63.0304. Adoption of Code Appendices.

Appendices A, B, D, G, I and K of the 2010 California Plumbing Code are hereby adopted by reference.

63.0305. Changes in Code Appendices.

(a) Table K-1 of APPENDIX K is amended in its entirety to read as follows:

**TABLE K-1
LOCATION OF SEWAGE DISPOSAL SYSTEM**

| MINIMUM HORIZONTAL DISTANCE IN CLEAR REQUIRED FROM | BUILDING SEWER | SEPTIC TANK | DISPOSAL FIELD | SEEPAGE PIT OR CESSPOOL ⁸ |
|--|-----------------|-------------------|-------------------|---|
| Building or structures ¹ | 2 feet (610 mm) | 5 feet (1,524 mm) | 8 feet (2,438 mm) | 8 feet (2,438 mm) |

| | | | | |
|--|----------------------------------|---------------------|------------------------------------|--------------------------------|
| Property line adjoining private property | Clear ² | 5 feet (1,524 mm) | 5 feet (1,524 mm) | 8 feet (2,438 mm) |
| Water supply wells | 50 feet ³ (15,240 mm) | 100 feet (30.5 m) | 100 feet (30.5 m) ⁹ | 150 feet (45.7 m) |
| Streams and other bodies of water | 50 feet (15,240 mm) | 50 feet (15,240 mm) | 100 ^{7, 10} feet (30.5 m) | 150 ⁷ feet (45.7 m) |
| Trees | - | 10 feet (3,048 mm) | - | 10 feet (3,048 mm) |
| Seepage pits or cesspools | - | 5 feet (1,524 mm) | 5 feet (1,524 mm) | 12 feet (3,658 mm) |
| Disposal field | - | 5 feet (1,524 mm) | 4 feet ⁴ (1,524 mm) | 5 feet (1,524 mm) |
| On-site domestic water service line | 1 foot ⁵ (305 mm) | 5 feet (1,524 mm) | 5 feet (1,524 mm) | 5 feet (1,524 mm) |
| Distribution box | - | - | 5 feet (1,524 mm) | 5 feet (1,524 mm) |
| Pressure public water main | 10 feet ⁵ (3,048 mm) | 10 feet (3,048 mm) | 10 feet (3,048 mm) | 10 feet (3,048 mm) |

NOTE:

When disposal fields and/or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet (4,572 mm).

¹ Including porches and steps, whether covered or uncovered, breezeways, roofed porte cocheres, roofed patios, carports, covered walks, covered driveways, and similar structures or appurtenances.

² See also Section 313.3 of the California Plumbing Code.

³ All drainage piping shall clear domestic water supply wells by not less than fifty (50) feet (15,240 mm). This distance may be reduced to not less than twenty-five (25) feet (7,620 mm) when the drainage piping is constructed of materials approved for use within a building.

⁴ Plus two (2) feet (610 mm) for each additional one (1) foot (305 mm) of depth in excess of one (1) foot (305 mm) below the bottom of the drain line. (See also Section K 6.0).

⁵ See section 720.0 of the California Plumbing Code.

⁶ For parallel construction – For crossings, approval by the Health Department shall be required.

⁷ These minimum clear horizontal distances shall also apply between disposal fields, seepage pits, and the mean high-tide line.

⁸ Private sewage disposal system seepage pits or cesspools shall not be permissible in the Mountain Region (as defined in Section 810.01.150(bbb) of Division 10 of Title 8 of the San Bernardino County Code).

⁹ Sewage disposal systems discharging five thousand (5,000) gallons per day or more shall be separated from water supply wells by a minimum of 200 feet (61m).

¹⁰ In the vicinities of the Colorado and Mojave Rivers, sewage disposal systems shall be separated from streams and other bodies of water by a minimum of 200 feet (61m).

63.0306. Appendix M - Swimming Pools Waste Water Discharge.

A new APPENDIX M is added to read as follows:

APPENDIX M

SWIMMING POOLS WASTE WATER DISCHARGE

M-1. The discharging of swimming pool waste water onto a public street or right-of-way in a manner that causes surface accumulation or ponding shall be prohibited. When it is not possible or practical to dispose of waste water due to periodic emptying or cleaning, as set forth in this chapter, the contents of such pool shall be tank-trucked to a disposal site approved by the Health Officer or his or her authorized representative.

M-2. Except as provided in M-3, when a public sewer or storm drain of adequate capacity is available for use, swimming pool waste water may be discharged thereinto and permission shall be obtained in writing from the proper authority to do so. A copy of such permission stating the maximum size of the waste line between the receptor and

1 the sewer, and other specific requirements, shall accompany any applications for a
2 permit made to the building official.

3 M-3. Where space and conditions are such that no hazard, nuisance or unsanitary
4 condition is evidenced, swimming pool waste water may be used for irrigation by
5 surface or subsurface spreading.

6 M-4. When no other means of waste water disposal is available, a drywell may be
7 installed. Each drywell shall be constructed in the manner prescribed for cesspools in
8 Appendix K of this Plumbing Code, and drywells receiving only filter backwash shall
9 have a capacity of at least twice the amount of effluent discharged during one (1)
10 normal backwash operation, but shall in no case have less than a five (5) foot (1.5 m)
11 vertical side wall. When pool emptying or other drains are proposed, the size and
12 leaching capacity of such drywell shall be proportionately increased to the satisfaction of
13 the building official. No waste water other than that from the swimming pool shall
14 discharge into any such drywell and no waste water from any swimming pool shall
15 discharge into a private sewage disposal system.

16 M-5. No direct connection shall be made between any storm drain, sewer, drainage
17 system, drywell or subsoil irrigation line and any line connected to a swimming pool.

18
19 SECTION 7. Chapter 4 is added to Division 3 of Title 6 of the San
20 Bernardino County Code, to read:

21 **CHAPTER 4: CALIFORNIA MECHANICAL CODE**

22 **Sections:**

- 23 63.0401 Adoption of California Mechanical Code.
24 63.0402 Changes in the Code.
25 63.0403 Adoption of Appendix.

26
27 **63.0401. Adoption of California Mechanical Code.**
28

1 A copy of the Uniform Mechanical Code, 2010 Edition, prepared and published
2 by the International Association of Plumbing and Mechanical Officials, with state
3 amendments, also known as the 2010 California Mechanical Code, contained in Part 4
4 of Title 24 of the California Code of Regulations, having been filed in the Office of the
5 Clerk of the Board of Supervisors of the County of San Bernardino, is hereby
6 designated and adopted by reference as the Mechanical Code for the unincorporated
7 areas of the County of San Bernardino, State of California, subject to those
8 amendments and limitations adopted by the County of San Bernardino set forth in
9 Chapter 4.

10
11 **63.0402. Changes to Code.**

12 The following changes are hereby made to the 2010 California Mechanical
13 Code, as adopted herein.

14 (a) Section 114.4 is amended in its entirety to read as follows:

15 **114.4 Expiration.** Every permit issued shall expire by limitation and become
16 invalid unless the work on the site authorized by such permit is commenced within 180
17 days after its issuance, or if the work authorized on the site by such permit is
18 suspended or abandoned for a period of 180 days after the time the work is
19 commenced. Upon written request of the applicant showing that circumstances
20 beyond the control of the applicant have prevented action from being taken, the
21 building official is authorized to grant, in writing, one extension of time for an unexpired
22 permit for a period of not more than 180 days.

23 (b) Section 115.4 is amended in its entirety to read as follows:

24 **115.4 Expiration of Plan Review.** Applications for which no permit is issued
25 within 180 days following the date of application shall expire by limitation and become
26 invalid, and plans and other data submitted for review may thereafter be returned to
27 applicant or destroyed by the building official. The building official may extend the time
28 for action by the applicant for a period not exceeding 180 days on written request by
the applicant showing that circumstances beyond the control of the applicant have

1 prevented action from being taken. An application shall not be extended more than
2 once. An application shall not be extended if this Code or other pertinent laws or
3 ordinances have been amended subsequent to the date of application. In order to
4 renew action on an application after expiration, the applicant shall resubmit plans and
5 pay a new plan review fee.

6
7 **63.0403. Adoption of Appendix.**

8 Appendix A of the Uniform Mechanical Code, 2010 Edition, is hereby adopted
9 by reference.

10
11 SECTION 8. Chapter 5 is added to Division 3 of Title 6 of the San
12 Bernardino County Code, to read:

13
14 **CHAPTER 5: CALIFORNIA ENERGY CODE**

15 **Sections:**

16 63.0501 Adoption of California Energy Code.

17 **63.0501. Adoption of California Energy Code.**

18 A copy of the 2010 California Energy Code, contained in Part 6 of Title 24 of the
19 California Code of Regulations, prepared and published by the California Building
20 Standards Commission, having been filed in the Office of the Clerk of the Board of
21 Supervisors of the County of San Bernardino, is hereby designated and adopted by
22 reference as the Code for the design and installation of energy systems for the
23 unincorporated area of the County of San Bernardino, State of California, subject to
24 those amendments and limitations adopted by the County of San Bernardino set forth
25 in Chapter 5.

26
27 SECTION 9. Section 63.0622 of Chapter 6 of Division 3 of Title 6 of the
28 San Bernardino County Code, is amended to read:

1
2 **63.0622. Other Enforcement and Abatement Procedures.**

3 The provisions of this Chapter shall not in any manner limit or restrict any
4 department or division of the County of San Bernardino so authorized by the County
5 Administrative Officer or the designee thereof; the San Bernardino County Counsel; or
6 the San Bernardino County District Attorney from enforcing this Title of the San
7 Bernardino County Code or otherwise abating public nuisances as defined by this Title
8 or other applicable provisions of the San Bernardino County Code in any other manner
9 provided by law.

10
11 SECTION 10. Section 63.0623 is added to Chapter 6 of Division 3 of
12 Title 6 of the San Bernardino County Code, to read:

13 **63.0623. Alternative Enforcement; Use of Administrative Citations.**

14 Notwithstanding the other provisions of this chapter or other applicable law,
15 Sections 63.0603 and 63.0604 of this Chapter shall also be enforceable by the Code
16 Enforcement Division and the Building and Safety Division of the Land Use Services
17 Department (or other County department to which either or both the Code Enforcement
18 Division and Building and Safety Division may hereafter be assigned) through the use
19 of administrative citations, as an alternative means of enforcement, in accordance with
20 Government Code section 53069.4 and this Section, and in the same manner and
21 under the same authority as provided at Section 11.0208 of the County Code. In
22 addition, the Building and Safety Division, at the discretion and direction of the building
23 official, shall also have the authority to enforce Section 63.0605 of this Chapter through
24 the use of administrative citations as otherwise provided in this Section. Further, in
25 order to enforce Sections 63.0603, 63.0604 and 63.0605 pursuant to the authority
26 established herein, the Code Enforcement Division and the Building and Safety
27 Division shall have the authority to inspect as provided at Section 11.0203 of the
28 County Code and Section 104.6 of the 2010 California Building Code, and all

1 successor provisions thereto, or the legal equivalent thereof, as may hereafter be
2 adopted as part of the County Code.

3
4 SECTION 11. Chapter 9 of Division 3 of Title 6 of the San Bernardino
5 County Code is hereby repealed.

6
7 SECTION 12. Chapter 10 of Division 3 of Title 6 of the San Bernardino
8 County Code is hereby repealed.

9
10 SECTION 13. Chapter 13 is added to Division 3 of Title 6 of the San
11 Bernardino County Code, to read:

12
13 **CHAPTER 13: CALIFORNIA HISTORICAL BUILDING CODE**

14 **Sections:**

15 63.1301 Adoption of California Historical Building Code.

16 63.1302 Adoption of Appendix.

17 **63.1301. Adoption of California Historical Building Code.**

18 A copy of the 2010 California Historical Building Code, contained in Part 8 of
19 Title 24 of the California Code of Regulations, prepared and published by the California
20 Building Standards Commission, having been filed in the Office of the Clerk of the
21 Board of Supervisors of the County of San Bernardino, is hereby designated and
22 adopted by reference as the Historical Building Code for the unincorporated area of the
23 County of San Bernardino, State of California, subject to those amendments and
24 limitations adopted by the County of San Bernardino set forth in Chapter 13.

25
26 **63.1302. Adoption of Appendix.**

27 Appendix A of the 2010 California Historical Building Code is adopted by
28 reference.

SECTION 14. Chapter 14 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 14: CALIFORNIA EXISTING BUILDING CODE

Sections:

63.1401 Adoption of California Existing Building Code.

63.1402 Amendment of Code.

63.1401. Adoption of California Existing Building Code.

A copy of the International Existing Building Code Appendix Chapter A1, 2009 Edition, prepared and published by the International Code Council, with state amendments, also known as the 2010 California Existing Building Code, contained in Part 10 of Title 24 of the California Code of Regulations, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, is hereby designated and adopted by reference as the Code for the design and installation of energy systems for the unincorporated area of the County of San Bernardino, State of California, subject to those amendments and limitations adopted by the County of San Bernardino set forth in Chapter 14.

63.1402. Amendment of Code.

The 2010 California Existing Building Code, as adopted herein, is amended by adding a new section A115, to read:

Section A115 ADMINISTRATIVE PROVISIONS

A115.1 COMPLIANCE REQUIREMENTS.

A115.1.1 The owner of each building within the scope of this chapter shall, upon service of an order and within the time limits set forth in this chapter, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake

standards specified in this chapter, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

A115.1.2 The owner of a building within the scope of this chapter shall comply with the requirements set forth above by submitting to the building official for review within the stated time limits:

(A) Within two hundred seventy (270) days after service of the order, a structural analysis, which is subject to approval by the building official and which shall demonstrate that the building meets the minimum requirements of this chapter; or

(B) Within two hundred seventy (270) days after service of the order, the structural analysis and plans for structural alteration of the building to comply with this chapter; or

(C) Within one hundred twenty (120) days after service of the order, plans for the installation of wall anchors in accordance with the requirements specified in this chapter; or

(D) Within two hundred seventy (270) days after service of the order, plans for the demolition of the building.

A115.1.3. After plans are submitted and approved by the building official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-1-H. These time limits shall begin to run from the date the order is served in accordance with Section A115.1.2, except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

A115.1.4 Owners selected to comply with subsection A115.1.2(C) of this section are also required to comply with subsection A115.1.2(B) or A115.1.2(D) of this section provided, however, that the 270-day period provided for in subsection A115.1.2(B) or A115.1.2.(D) and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table No. A-1-H shall be extended in accordance with Table No. A-1-I. Each such extended time limit shall begin to run from the date the order is served in accordance with Section A115.1.2,

1 except that the time limit to commence structural alterations or demolition shall begin to
2 run from the date the building permit is issued.

3 A115.1.5 The requirements imposed by this Section A115 are in addition to
4 any other requirements imposed by law, including without limitation, the requirements
5 imposed by Chapter 12.2 of Division 1 of Title 2 of the California Government Code,
6 commencing with Section 8875.

7 A115.2 HISTORICAL BUILDINGS.

8 Alterations or repairs to qualified historical buildings, as defined by section
9 18955 of the Health and Safety Code of the State of California and as regulated by
10 sections 18950 to 18961 of that Code, as designated on official national, state or local
11 historical registers or directories shall comply with the State Historical Building Code
12 (California Code of Regulations Title 24, Building Standards, Part 8), in addition to this
13 chapter.

14 A115.3 ADMINISTRATION.

15 A115.3.1 Order - service.

16 (A) The San Bernardino County building official shall, in accordance
17 with the priorities set forth in Table No. A-1-I, issue an order as provided in this section
18 to the owner of each building within the scope of this chapter.

19 (B) Prior to the service of an order as set forth in Table No. A-1-I, a
20 bulletin may be issued to the owner as shown upon the last equalized assessment roll
21 or to the person in apparent charge. The bulletin may contain information the building
22 official deems appropriate. The bulletin may be issued by mail or in person.

23 A115.3.2 Order -- priority of service. Priorities for the service of the order for
24 buildings within the scope of this chapter shall be in accordance with the rating
25 classification as shown on Table No. A-1-I. Within each separate rating classification,
26 the priority of the order shall normally be based upon the occupant load of the building.
27 The owners of the buildings housing the largest occupant loads shall be served first.
28 The minimum time period prior to the service of the order as shown on Table No. A-1-I
shall be measured from the effective date of this chapter. The building official may,

1 upon receipt of a written request from the owner, order such owner to bring this
2 building into compliance with this chapter prior to the normal service date for such
3 building set forth in this chapter.

4 A115.3.3 Order - contents. The order shall be in writing and shall be served
5 either personally or by certified or registered mail upon the owner as shown on the last
6 equalized assessment roll, and upon the person, if any, in apparent charge or control
7 of the building. The order shall specify that the building has been determined by the
8 building official to be within the scope of this chapter and therefore, is required to meet
9 the minimum seismic standards of this chapter. The order shall specify the rating
10 classification of the building and shall be accompanied by a copy of Section A115.1
11 which sets forth the owner's alternatives and time limits for compliance.

12 A115.3.4 Appeal from order. The owner of the building may appeal the
13 building official's initial determination that the building is within the scope of this chapter
14 to the board of appeals established pursuant to Section 113 of Volume 1, Chapter 1,
15 Division II of the 2010 California Building Code. Such appeal shall be filed with the
16 board of appeals within sixty (60) days from the service date of the order described in
17 Section A115.3.3. Any such appeal shall be decided by the board of appeals no later
18 than ninety (90) days after the appeal is filed and the grounds thereof shall be stated
19 clearly and concisely. Appeals or requests for modifications from any other
20 determinations, orders or actions by the building official pursuant to the chapter shall
21 be made in accordance with the procedures established pursuant to Section 113 of
22 Volume 1, Chapter 1, Division II of the 2010 California Building Code.

23 A115.3.5 Recordation. At the time that the building official serves the
24 aforementioned order, the building official shall also file with the office of the County
25 Auditor/Controller-Recorder/Treasurer-Tax Collector a certificate stating that the
26 subject building is within the scope of this chapter and is a potentially earthquake-
27 hazardous building. The certificate shall also state that the owner thereof has been
28 ordered to structurally analyze the building and to structurally alter or demolish it,
where compliance with this chapter has not been demonstrated.

If the building is either demolished, found not to be within the scope of this chapter or is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the building official shall file with the office of the County Auditor/ Controller-Recorder/Treasurer-Tax Collector a form terminating the status of the subject building as being classified within the scope of this chapter.

A115.3.6 Enforcement. If the owner in charge or control of the subject building fails to comply with any order issued by the building official pursuant to this chapter within any of the time limits set forth in Section A115.1, the building official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the building official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within ninety (90) days after the date the building has been ordered vacated or such additional time as may have been granted by the board of appeals, the building official may order its demolition in accordance with the provisions of Section 116 of Volume 1, Chapter 1, Division II of the 2010 California Building Code.

TABLE NO. A-I-H - TIME LIMITS FOR COMPLIANCE

| Required Action by Owner | Obtain Building Permit Within | Commence Construction Within | Complete Construction Within |
|---|-------------------------------|------------------------------|------------------------------|
| Structural Alterations or Building Demolition | 1 year ² | 180 days ¹ | 3 years ² |
| Wall Anchors | 180 days ² | 270 days ² | 1 year ² |

¹ Measured from date of building permit issuance.

² Measured from date of service of order.

TABLE NO. A-1-I - EXTENSIONS OF TIME AND SERVICE PRIORITIES

| RATING CLASSIFICATION | OCCUPANT LOAD | EXTENSION OF TIME IF WALL ANCHORS ARE INSTALLED | PERIODS FOR SERVICE OF ORDER |
|-----------------------|---------------|---|------------------------------|
| I (Highest Priority) | N/A | N/A | N/A |

| | | | |
|----------------------|--------------------------------|--------|----------|
| II | 100 or more | 1 year | 180 days |
| III-A | 100 or more | 1 year | 1 year |
| III-B | More than 50 but less than 100 | 1 year | 2 years |
| C | More than 19 but less than 51 | 1 year | 3 years |
| IV (Lowest Priority) | Less than 20 | 1 year | 4 years |

SECTION 15. Chapter 15 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 15: CALIFORNIA GREEN BUILDING STANDARDS CODE

Sections:

63.1501 Adoption of California Green Building Standards Code.

63.1501. Adoption of California Green Building Standards Code.

A copy of the 2010 California Green Building Standards Code, contained in Chapters 1-8 of Part 11 of Title 24 of the California Code of Regulations, prepared and published by the California Building Standards Commission, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, is hereby designated and adopted by reference as the Green Building Standards Code for the unincorporated area of the County of San Bernardino, State of California, subject to those amendments and limitations adopted by the County of San Bernardino set forth in Chapter 15.

SECTION 16. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this Board of Supervisors hereby declares that it would have passed the remainder of this Ordinance is such invalid portion thereof had been deleted.

SECTION 17. This Ordinance shall be in full force and effect on January 1, 2011, but in no event prior to thirty (30) days from the date of adoption.

GARY C. OVITT, Chairman
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

LAURA H. WELCH, Clerk of the
Board of Supervisors

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss.

3 I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County of San
4 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
5 Supervisors of said County and State, held on the 16TH day of November, 2010 at
6 which meeting were present Supervisors: Mitzelfelt, Biane, Derry, Ovitt, Gonzales and
the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
wit:

7 AYES: SUPERVISORS: Mitzelfelt, Biane, Derry, Ovitt, Gonzales

8 NOES: SUPERVISORS: None

9 ABSENT: SUPERVISORS: None

10 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
11 seal of the Board of Supervisors this 16th day of November, 2010.

12
13 LAURA H. WELCH, Clerk of the
14 Board of Supervisors of the
County of San Bernardino,

15
16 _____
Deputy

17 Approved as to Form:
18 RUTH E. STRINGER,
County Counsel

19 By: _____
20 KENNETH C. HARDY
21 Deputy County Counsel

22 Date: _____
23
24
25
26
27
28

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

November 16, 2010

Continued from Tuesday, November 2, 2010, Item #78

FROM: DENA M. SMITH, Director
Land Use Services Department

SUBJECT: 2nd Reading/Final Adoption - AMENDMENT TO TITLE 6 COUNTY CODE TO
ADOPT BY REFERENCE THE 2010 EDITIONS OF THE CALIFORNIA
BUILDING STANDARDS CODES

RECOMMENDATION(S)

Adopt **Ordinance No. 4130** to repeal Chapters 1, 2, 3, 4 and 5 of Division 3 of Title 6 of the San Bernardino County Code, and adopt by reference the California Code of Regulations Title 24, 2010 Editions of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Historical Building Code, California Existing Building Code and the California Green Building Standards Code as Chapters 1, 1.5, 2, 3, 4, 5, 13, 14 and 15, respectively, of Division 3 of Title 6 of the San Bernardino County Code and amending those portions of the California Code of Regulations Title 24 as identified herein.

(Affected Districts: All)

(Presenter: James M. Squire, Assistant Director, 387-4147)

BACKGROUND INFORMATION

The proposed ordinance regarding repealing Chapters 1, 2, 3, 4 and 5 of Division 3 of Title 6 of the San Bernardino County Code, and adopt by reference the California Code of Regulations Title 24, 2010 Editions of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Historical Building Code, California Existing Building Code and the California Green Building Standards Code as Chapters 1, 1.5, 2, 3, 4, 5, 13, 14 and 15, respectively, of Division 3 of Title 6 of the San Bernardino County Code and amending those portions of the California Code of Regulations Title 24 as identified herein had its first reading on November 2, 2010. The recommendation before the Board of Supervisors today will adopt the ordinance on the consent calendar.

Page 1 of 1

cc: w/ ordinance
LUSD-Smith
LUSD-Squire
County Counsel-Hardy
File - LUSD w/ attach
jr 11/18/10

ITEM 69

Record of Action of the Board of Supervisors

APPROVED (CONSENT CALENDAR)

COUNTY OF SAN BERNARDINO
Board of Supervisors

MOTION

AYE
1

MOVE
3

AYE
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SECOND
5

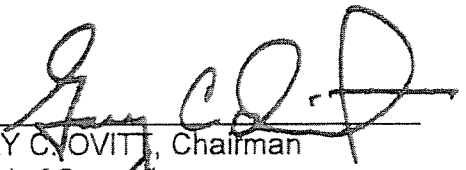
LAURA H. WELCH, CLERK OF THE BOARD

BY

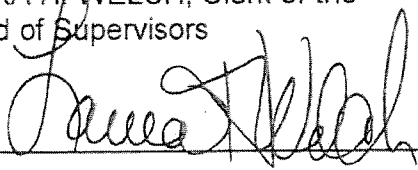
DATED: November 16, 2010

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SECTION 17. This Ordinance shall be in full force and effect on January 1, 2011, but in no event prior to thirty (30) days from the date of adoption.


GARY C. NOVITTI, Chairman
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

LAURA H. WELCH, Clerk of the
Board of Supervisors


1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss.

3 I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County of San
4 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
5 Supervisors of said County and State, held on the 16th day of November, 2010 at
6 which meeting were present Supervisors: _____

Mitzelfelt, Biane, Derry, Ovitt, Gonzales

7 and the Clerk, the foregoing ordinance was passed and adopted by the following vote,
8 to wit:

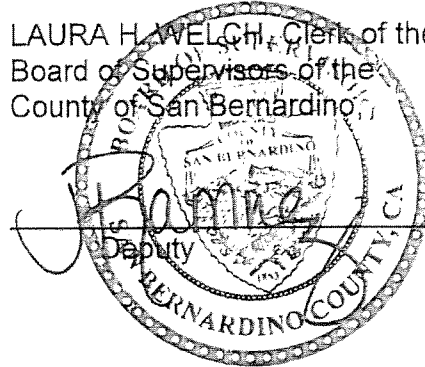
9 AYES: SUPERVISORS: Mitzelfelt, Biane, Derry, Ovitt, Gonzales

10 NOES: SUPERVISORS: None

11 ABSENT: SUPERVISORS: None

12 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
13 seal of the Board of Supervisors this 16th day of November, 2010.

14 LAURA H. WELCH, Clerk of the
15 Board of Supervisors of the
16 County of San Bernardino



17 Approved as to Form:
18 RUTH E. STRINGER,
19 County Counsel

20 By: [Signature]
21 KENNETH C. HARDY
22 Deputy County Counsel

23 Date: 11/11/10

